

PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of

Docket No: Q65607

Takayuki USUI, et al.

Appln. No.: 09/921,713

Group Art Unit: 3728

Confirmation No.: 8286

Examiner: Jila M. MOHANDESI

Filed: August 6, 2001

For: AUTOMATIC PLATE MAKING MACHINE EQUIPPED WITH PHOTSENSITIVE
PRINTING PLATE SUPPLYING APPARATUS AND PRINTING PLATE PACKAGING
MEANS

APPEAL BRIEF UNDER 37 C.F.R. § 41.37

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In accordance with the provisions of 37 C.F.R. § 41.37, Appellant submits the following:

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I. REAL PARTY IN INTEREST

The real party of interest is FUJIFILM Corporation (Assignee) by virtue of an assignment executed by Fuji Photo Film Co. Ltd. on January 30, 2007, and recorded by the Assignment Branch of the U.S. Patent and Trademark Office, on February 15, 2007, in parent Application No. 09/302,259 (now U.S. Patent No. 6,289,650) on reel/frame 018904/0001. (See attached Patent Assignment Abstract of Title.)

II. RELATED APPEALS AND INTERFERENCES

Upon information and belief, there are no other prior or pending appeals, interferences, or judicial proceedings known to Appellants, Appellants' representative or the Assignee that may be related to, be directly by, or have a bearing on the Board's decision in this appeal.

III. STATUS OF CLAIMS

Claims 8, 27, 30, 33 and 35-40 are pending in the application. Claims 8, 27, 30, 33 and 35-40 are rejected (*see* final Office Action dated February 1, 2007). Claims 8, 27, 30, 33 and 35-40 are on appeal (*see* Appendix). Claims 1-7, 9-26, 28, 29, 31, 32, and 34 are canceled.

IV. STATUS OF AMENDMENTS

No amendments were made to the pending claims after the issuance of the final Office
Action dated February 1, 2007.

V. SUMMARY OF THE CLAIMED SUBJECT MATTER

Claims 8 and 33 are drawn to a printing plate packaging box. Claim 30 is drawn to a combination of a printing plate packaging box and a bundle of photosensitive printing plates.

Exemplary embodiments of the present invention provide efficient light-shielding properties to protect printing plates, while also providing a printing plate packaging box that is effectively manipulated and opened by manufacturing equipment. Each of claims 8, 30 and 33 comprises, *inter alia*, an opening/closing lid and a sheet-type material, e.g., 50, that is adhered onto an outer surface of the opening/closing lid. (Page 34, lines 3-9; and Figure 4.) The sheet-type material has a surface that is smooth and air tight. (*Id.*) As one skilled in the art will appreciate, the smooth and air-tight sheet-type material on the opening/closing lid permits the opening/closing lid to be effectively engaged by a device, such as suction cups 74 (see Figure 6), so that the opening/closing lid is properly removed by a lid removal mechanism 62.

Each of claims 8, 30 and 33 also comprises a box main body, e.g., 46 (page 29, lines 15-20; and Figure 4), an opening/closing lid, e.g., 48 (*Id.*), and a light-shielding member that prevents direct entry of light from outside into the inside of the box main body. The light-shielding member is provided in the vicinity of a zone in which the box main body and the opening/closing lid are contacted to each other in an assembled state. As shown in the exemplary embodiment of Figure 4, the light-shielding member has an inner portion (e.g., inside face of elements 48B and 48C) that will cover sides, e.g., 46B and 46C of the box main body when the printing plate packaging box is closed. (Page 31, lines 10-22.)

The above-noted explanation is provided merely to assist the reader in understanding aspects of the independent claims with regard to exemplary embodiments provided in the present specification and is not intended to limit the claimed invention.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether claims 8, 27, 30, 33 and 35-40 are patentable over Nowak et al. (U.S. Patent 5,270,901¹ [hereinafter "Nowak"]) in view of Rosenblatt et al. (U.S. Pat. No. 3,483,965 [hereinafter "Rosenblatt"]).

¹ It is respectfully noted that the Examiner improperly lists this reference as "5,720,901."

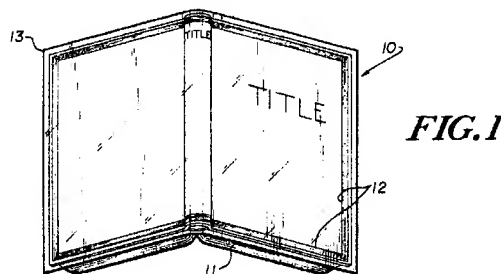
VII. ARGUMENT

REJECTION UNDER 35 U.S.C. § 103(A) OVER NOWAK IN VIEW OF ROSENBLATT

It is respectfully submitted that the rejection of claims 8, 27, 30, 33 and 35-40 under 35 U.S.C. § 103(b) should be withdrawn. Independent claims 8, 30 and 33 describe, *inter alia*, a novel and unobvious printing plate packaging box comprising an opening/closing lid which is removably attached to the box for opening/closing a supply opening; ...and a sheet-type material of which surface is smooth and air tight that is adhered onto an outer surface of the opening/closing lid.

In the February 1, 2007 Office Action, the Examiner asserts that Nowak discloses an enclosure system including a box main body 30 that accommodates a bundle of printing plates 10. The Examiner relies on element 31 for disclosing the claimed opening/closing lid, as shown in Fig. 2 of Nowak. The Examiner acknowledges that Nowak does not disclose the claimed sheet-type material having the smooth and air tight surface, which is adhered onto an outer surface of the opening/closing lid.

Rosenblatt is drawn to providing a dust cover on a binding of a book. (See Rosenblatt, col. 1, lines 31-43.) Figure 1 of Rosenblatt is reproduced below.



There is no reason to combine the teachings of Nowak with Rosenblatt to obtain the features of independent claims 8, 11 and 33. Rosenblatt is drawn to providing a dust cover on a binding of a book using a heat-shrinkable film. (See Rosenblatt, col. 1, lines 31-43.) Rosenblatt discloses that “it is desirable to have smooth taut dust covers to protect the bindings from wear and dirt and to insure that the books slide easily with respect to each other when they are put on shelves.” (See Rosenblatt, col. 1, lines 45-50.) The book cover of Rosenblatt may be transparent (See Rosenblatt, col. 3, lines 30-32).

First, as a librarian will appreciate, damage to books is cumulative, such that the repeated incorrect handling and storage of a book can quickly transform a new book into a worn or even unusable book. The environment around the book is often not controlled and could result in accelerated deterioration and accumulation of mold. Books (especially at the time of Rosenblatt) were often made of leather or cloth, and were susceptible to such environmental factors.

On the other hand, one skilled in the art of printing plates will appreciate that a printing plate box is constructed to protect the photosensitive printing plates. The concerns and environmental factors affecting a printing plate packaging box (e.g., photography lab, manufacturing process, etc.) are much different than a book’s environment (e.g., library, shelf in someone’s home, etc.) In effect, there is no reason that one would take the dust cover of Rosenblatt and apply it to Nowak.

Second, Rosenblatt is drawn from non-analogous art, which further supports why one would not have combined the references. In order to rely on a reference as a basis for a rejection, the reference must either: (1) be in the field of applicant’s endeavor; or (2) be

reasonably pertinent to the particular problem with which the inventor was concerned. *In re Oetike*, 977 F.2d 1443, 1446 (Fed. Cir. 1992). Neither of these two factors is satisfied in the present case. Protecting leather-bound books from dust and wear has nothing to do with the exemplary aspects described in the present specification in regard to the claimed features. Further, Nowak has nothing to do with protecting books and is instead directed to providing a container for storing electrically charged substrates. None of the problems disclosed in Rosenblatt is applicable to the printing plate packaging box of the present invention or the storage of electrically charged substrates in Nowak.

Third, when relying on multiple references, the Examiner must identify some reason why one would combine the references. Here, there is no plausible reason for making the proposed combination. There was also no established need or problem known in the field of endeavor, at the time of invention, that would have provided a reason for combining the elements in the manner claimed. The grounds of rejection allege that the cover of Rosenblatt would provide the packaging device of Nowak with a “smooth taut dust cover.” However, Nowak does not even suggest any problems which would be remedied by providing a layer of shrink wrap. There is not even an inherent reason because one skilled in the art would not perceive any benefit by providing Nowak with a shrink wrap covering. The *contents* of the plastic case in Nowak would be no better nor worse, in regard to dust and dirt, with a layer of shrink wrap verses not having the shrink wrap.

Fourth, the cover of Rosenblatt is not intended to be removed when the book is used. Accordingly, it is not even clear how such a cover would be applied to Nowak or how Nowak

would be operable when saddled with the cover of Rosenblatt. In other words, a skilled artisan would not provide a heat-shrink material to the container of Nowak (which is for storing stacks of “charge-storing” materials) because Nowak would essentially be rendered inoperable if such heat-shrink material were applied in the manner taught by Rosenblatt (i.e., Nowak would not open as intended).

Thus, Applicant respectfully submits that there is no reason to make the combination, nor is there any known desirability to adding a book-binder-protector to the charge dissipating case of Nowak. Accordingly, Applicant requests that the 35 U.S.C. § 103(a) rejection of claims 8, 30 and 33 in view of Nowak and Rosenblatt be withdrawn. The rejection of dependent claims 27 and 35-40 should also be withdrawn at least due to their respective dependencies on claims 8, 30 and 33.

Conclusion:

In view of the above, Appellants respectfully request the members of the Board to reverse the rejections of the appealed claims and to find each of the claims allowable as defining subject matter that is patentable over the art of record.

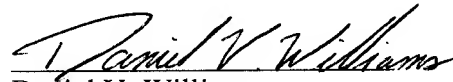
Unless a check is submitted herewith for the fee required under 37 C.F.R. §41.37(a) and 1.17(c), please charge said fee to Deposit Account No. 19-4880.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: July 26, 2007

CLAIMS APPENDIX

CLAIMS 8, 27, 30, 33 and 35-40 ON APPEAL:

8. A printing plate packaging box comprising:

a box main body which accommodates a bundle of photosensitive printing plates, which are not sealed within a light-shielding wrapper, and which is provided with a supply opening through which the photosensitive printing plates are taken out, said photosensitive printing plates being in direct contact with said box main body;

an opening/closing lid which is removably attached to said box for opening/closing the supply opening; and

a light-shielding member which prevents direct entry of light from outside into the inside of the box main body, provided in the vicinity of a zone in which the box main body and the opening/closing lid are contacted to each other in an assembled state, the light-shielding member being connected to the opening/closing lid such that the light-shielding member blocks the direct entry of light from outside into the inside of the box through the zone in which the box main body and the opening/closing lid are contacted to each other in the assembled state, and said light-shielding member being circumferentially larger than said box main body such that said light-shielding member surrounds and covers an outermost portion of said box main body,

wherein a sheet-type material of which surface is smooth and air tight is adhered onto an outer surface of said opening/closing lid.

27. A printing plate packaging box according to claim 8, wherein said opening/closing lid is disposed on a top surface of the box main body.

30. A combination of a printing plate packaging box and a bundle of photosensitive printing plates, comprising:

said bundle of photosensitive printing plates which are not sealed within a light shielding wrapper; and

said printing plate packaging box including;

a box main body which accommodates said bundle of photosensitive printing plates and which is provided with a supply opening through which said photosensitive printing plates are taken out, said photosensitive printing plates being in direct contact with said box main body;

an opening/closing lid which is removably attached to said box for opening/closing the supply opening; and

a light-shielding member being connected to the opening/closing lid such that the light-shielding member blocks the direct entry of light from outside into inside of the box through a zone in which the box main body and the opening/closing lid are contacted to each other in the assembled state, and said light-shielding member being circumferentially larger than said box main body such that said light-shielding member surrounds and covers an outermost portion of said box main body,

wherein a sheet-type material of which surface is smooth and air tight is adhered onto an outer surface of said opening/closing lid.

33. A printing plate packaging box comprising:

a box main body which accommodates a bundle of photosensitive printing plates, which are not sealed within a light-shielding wrapper, and which is provided with a supply opening through which the photosensitive printing plates are taken out, said photosensitive printing plates being in direct contact with said box main body;

an opening/closing lid which is for opening/closing the supply opening, the lid being detachable from the box; and

a light-shielding member which prevents direct entry of light from outside into the inside of the box main body, provided in the vicinity of a zone in which the box main body and the opening/closing lid are contacted to each other in an assembled state, the light-shielding member being connected to the opening/closing lid such that the light-shielding member blocks the direct entry of light from outside into the inside of the box through the zone in which the box main body and the opening/closing lid are contacted to each other in the assembled state, and said light-shielding member being circumferentially larger than said box main body such that said light-shielding member surrounds and covers an outermost portion of said box main body,

wherein a sheet-type material of which surface is smooth and air tight is adhered onto an outer surface of said opening/closing lid.

35. A printing plate packaging box according to claim 33,
wherein the light-shielding member is configured such that an inner portion of the light-shielding member is in sliding contact with an outermost portion of the box main body when the lid is removed from the box main body.

36. A printing plate packaging box according to claim 8,
wherein the light-shielding member is configured such that an inner portion of the light-shielding member is in sliding contact with an outermost portion of the box main body when the lid is removed from the box main body.

37. A combination of a printing plate packaging box and a bundle of photosensitive printing plates according to claim 30,
wherein the light-shielding member is configured such that an inner portion of the light-shielding member is in sliding contact with an outermost portion of the box main body when the lid is removed from the box main body.

38. A printing plate packaging box according to claim 8, wherein the sheet-type material is positioned to be parallel with the bundle of photosensitive printing plates.

39. A combination of a printing plate packaging box and a bundle of photosensitive printing plates according to claim 30, wherein the sheet-type material is positioned to be parallel with the bundle of photosensitive printing plates.

40. A printing plate packaging box according to claim 33, wherein the sheet-type material is positioned to be parallel with the bundle of photosensitive printing plates

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EVIDENCE APPENDIX:

None.

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RELATED PROCEEDINGS APPENDIX

None.

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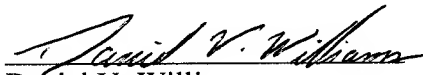
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Sir:

Submitted herewith please find an Appeal Brief. The statutory fee of \$500.000 is being charged to Deposit Account No. 19-4880 via EFS Payment Screen. The USPTO is also directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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